

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lily Carayannis	Team: Squad #12	CCRB Case #: 201410073	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 09/23/2014 12:50 PM	Location of Incident: § 87(2)(b) and the 61st Precinct stationhouse	Precinct: 61	18 Mo. SOL 3/23/2016	EO SOL 3/23/2016	
Date/Time CV Reported Fri, 09/26/2014 4:15 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 10/01/2014 1:34 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. POM Mohammad Ali	23614	949986	061 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Usman Siddiqui	10881	951252	061 PCT
2. POM Robert Salvia	11093	948127	061 PCT
3. POM Francesco Confessore	03693	950225	061 PCT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: Inside of § 87(2)(b) in Brooklyn, an officer used physical force against § 87(2)(b)	
B. An officer	Force: Inside of § 87(2)(b) in Brooklyn, an officer pointed his gun at § 87(2)(b)	
C. POM Mohammad Ali	Abuse: At the 61st Precinct stationhouse, PO Mohammad Ali threatened to arrest § 87(2)(b)	
D. POM Mohammad Ali	Discourtesy: At the 61st Precinct stationhouse, PO Mohammad Ali spoke discourteously to § 87(2)(b)	

## Case Summary

On September 23, 2014, at approximately 12:50 p.m., § 87(2)(b) called 911 and reported that § 87(2)(b) was an EDP who was not taking her medications. He further reported that she threw a hair brush at his head causing an injury and that she had a knife which she used to puncture his shoulder. PO Mohammed Ali, PO Usman Siddiqui, PO Robert Salvia, and PO Francesco Confessore, all from the 61<sup>st</sup> Precinct, responded to the incident. The officers went to § 87(2)(b)'s apartment where she refused to open the door for several minutes. She eventually opened the door and the officers entered the apartment. An officer stomped on her toe, grabbed her by her hair, and threw her on her bed (**Allegation A**). Another officer pointed his firearm at her head and said, "I'm going to count to three. If you don't raise your hands, I'm going to shoot you" (**Allegation B**). § 87(2)(b) was handcuffed and taken to § 87(2)(b) where she was prescribed anti-anxiety medication (see privileged medical file). While she was in the hospital, § 87(2)(b) was taken to the 61<sup>st</sup> Precinct stationhouse with PO Ali to fill out the Domestic Incident Report (DIR). PO Ali told § 87(2)(b) if he did not sign his statement, he would be arrested (**Allegation C**). § 87(2)(b) signed his statement and left. She was then taken back to the 61<sup>st</sup> Precinct stationhouse for arrest processing. Later, § 87(2)(b) asked for water and PO Ali said to her, "What do you think this is, a fucking restaurant?" (**Allegation D**). § 87(2)(b) was charged with assault with intent to cause physical injury with a weapon and menacing with a weapon.

On § 87(2)(b), § 87(2)(b) went to § 87(2)(b) where she was diagnosed with a hematoma to her big toe, right knee sprain, and a back contusion (see privileged medical file).

This case was originally assigned to Investigator Lauren Kerstein. It was reassigned to Investigator Tiffany Dempsey on January 12, 2015. It was reassigned to Investigator Lily Carayannis on May 18, 2015.

## **Mediation, Notice of Claim, and Criminal Histories**

This case was unsuitable for mediation owing to physical injury and a lawsuit. On § 87(2)(b), § 87(2)(b) filed a Notice of Claim with the City of New York claiming injuries to her neck, left wrist, face, right knee, right foot, and lower back and false imprisonment, defamation, and emotional damages (encl. F1-2). There was no dollar amount listed. § 87(2)(b)

(b)(7)(C),  
86(1)  
(3)&(4)  
87(2)

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been a party (encl. A2-3).
- PO Ali has been a member of service for three years and he has no substantiated CCRB complaints against him (encl. A1).

## **Findings and Recommendations**

## Explanation of Subject Officer Identification

§ 87(2)(b) provided varying numbers of officers who were present for her arrest. She stated to IAB that 20 officers were at her apartment with a battery ram (encl. B1-5). In a

telephone statement to the CCRB, she claimed that 12 officers were at her apartment (encl. B6-7). In her in-person statement, she stated that there were five officers at her apartment (encl. B8-13).

§ 87(2)(b) said there were two officers at § 87(2)(b)'s apartment (encl. C1-6). § 87(2)(b)'s descriptions of the officers present were vague and varied, with the majority of the officers being “white” or “Italian” or “Hispanic.” She also believed that the officer that allegedly pointed his gun at her was a 50 year old sergeant, but she believed he was a sergeant owing to non-descript bars on the front of his uniform.

The radio transmissions show that one conditions unit and one patrol sector gained entry to her apartment (encl. E4-6). § 87(2)(g) (D1-37). Of these four officers, PO Ali is accounted for by name as not subject to any of the force allegations. § 87(2)(b)'s descriptions of the other officers who allegedly used force against her do not cohere with the pedigree of the officers present. § 87(2)(b) did not witness the force used and the officers all denied using the force described by § 87(2)(b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

## **Investigation Findings and Recommendations**

### **Allegations Not Pleaded**

It is undisputed that officers entered § 87(2)(b)'s apartment. It is undisputed that § 87(2)(b)'s roommate called 911 and stated that § 87(2)(b) was an EDP, that she attacked him causing him injury, and that she possessed a knife. § 87(2)(b) lives with § 87(2)(b) and he gave the officers the apartment number. It is further undisputed that § 87(2)(b) opened the door to the officers. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) (encl. C1-6) stated that he attempted to follow the officers to the 6<sup>th</sup> floor and was told to wait downstairs. He continued to follow the officers upstairs and PO Ali told him that if he did not stop following them, he would be arrested. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Allegation A—Force: Inside of § 87(2)(b) in Brooklyn, an officer used physical force against § 87(2)(b)**

**Allegation B—Force: Inside of § 87(2)(b) in Brooklyn, an officer pointed his gun at § 87(2)(b)**

§ 87(2)(g)

§ 87(2)(b)

**Allegation C—Abuse of Authority: At the 61<sup>st</sup> Precinct stationhouse, PO Mohammed Ali threatened to arrest § 87(2)(b)**

§ 87(2)(b) alleged that PO Ali told him that if he did not sign his written statement, he would be arrested (encl. C1-6).

PO Ali did not recall threatening to arrest § 87(2)(b) (encl. D1-19) and he denied that he contemplated arresting § 87(2)(b). No other civilians or officers were present for this.

§ 87(2)(g)

**Allegation D—Discourtesy: At the 61<sup>st</sup> Precinct stationhouse, PO Mohammed Ali spoke discourteously to § 87(2)(b)**

§ 87(2)(b) alleged (encl. B1-13) that PO Ali responded to her request for water by asking, “What do you think this is, a fucking restaurant?”

§ 87(2)(b) stated (encl. C1-6) that he overheard an officer say, “What does she think this is, a restaurant?” § 87(2)(b) however, is not an independent witness as he was involved in the domestic incident that led up to § 87(2)(b)'s arrest.

PO Ali denied (encl. D1-19) making these statements. None of the other officers interviewed heard this conversation nor did they hear PO Ali use profanity (encl. D20-37).

§ 87(2)(g)

Pod: 12

Investigator:	<u>Lily Carayannis</u>	<u>June 17, 2015</u>
	Signature	Date

Supervisor:	<u></u>	<u></u>
	Title/Signature	Date

Reviewer:	<u></u>	<u></u>
	Title/Signature	Date

Reviewer:	<u></u>	<u></u>
	Title/Signature	Date